



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



324791

MAR 11 2009

REPLY TO THE ATTENTION OF:

SE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Marian K. Rogers  
c/o James A. Tomaszewski, Jr.  
312 Walnut Street  
Cincinnati, OH 45202

Re: Follow-up to the Request for Information Pursuant to Section 104(e) of CERCLA for the  
Rose Exterminator Site in Norwood, Ohio

Dear Sir:

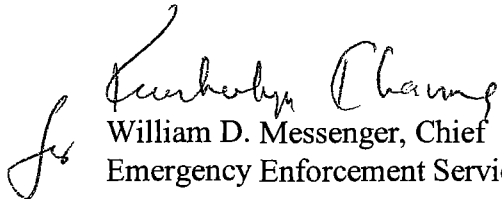
On February 5, 2009, the United States Environmental Protection Agency (U.S. EPA) issued the enclosed information request to you pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, 42 U.S.C. § 9604(e). This information request required you to provide certain documents and information within fourteen (14) days of the receipt of this letter.

Although the deadline for the information request's response has passed, U.S. EPA has not received any response to the information request. U.S. EPA therefore requests that you comply immediately with that information request. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203 (b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures, provided in 40 CFR Part 2, Subpart B. If no such claim accompanies the information when it is received by U.S. EPA, it may be made available to the public by U.S. EPA without further notice.

Continued failure to comply with U.S. EPA's information request, or to adequately justify such failure to respond, may subject to an enforcement action seeking to compel compliance and collect penalties of up to \$37,500 per day of noncompliance pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5) and as adjusted by 69 Fed. Reg. 7121-27 (Feb. 13, 2004) (codified at 40 C.F.R. § 19.4) pursuant to the Debt Collection Improvement Act of 1996. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

Please contact Ms. Nola Hicks, Assistant Regional Counsel, at (312) 886-7949 if you have any legal questions regarding this matter. All other questions should be directed to Mrs. Mila Bensing, Enforcement Specialist, Emergency Enforcement Services Section, at (312) 353-2006.

Sincerely yours,

 William D. Messenger, Chief  
Emergency Enforcement Services Section

Enclosure

**Rose Exterminator Site, Ohio**  
**Follow-up to 104(e) Information Request Letter**

**RESPONDENTS**

1. Marian K. Rogers  
c/o James A. Tomaszewski, Jr.  
312 Walnut Street  
Cincinnati, OH 45202
2. Rose Exterminator  
1809 West Chicago  
Chicago, IL 60602
3. TSSGP Limited Partnership  
860 Ride Lake Blvd.  
Memphis, TN 38120